



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, OCTOBER 19, 2017 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. VISITORS/CITIZENS FORUM:**

Any person with business not scheduled on the agenda is encouraged to briefly speak to the Commission. Please fill out the **SPEAKER REQUEST FORM** and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

**2. CONSENT AGENDA:**

All items listed below on the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the October 5, 2017 meeting. **Pg. 2**

**3. PUBLIC HEARING, CONSIDERATION & ACTION**

3A. **Public Hearing & Action, CUP & Resolution** – Public hearing, consideration, and action of resolution concerning a requested conditional use permit for a new 7,584 square foot O'Reilly Auto Parts Store for the purpose of the retail sale of auto parts on an approximate 0.91 acre tract. Legal description being a tract of land situated in the John C. Sheffield Survey, Abstract No. 281, City of Kerrville, Kerr County, Texas, being all of a tract of land conveyed to Robert L. Harder by Special Warranty Deed recorded in Volume 1227, Page 229, Deed Records of Kerr County, Texas, located at 1327 Junction Highway. (File No. 2017-053) **Pg. 5**

3B. **Public Hearing & Action, Variance** – Public hearing, consideration and action concerning a request for a variances to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners in accordance with Article II – Signs, Section 6-37. – Prohibited Signs, of the Code of Ordinance, City of Kerrville, Texas, located at 551 Hill Country Drive South. (File No. 2017-066) **Pg. 10**

**4. STAFF REPORTS**

**5. ADJOURNMENT**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: September 16, 2017 at 9:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A Minutes October 5, 2017 Commission meeting  
Action: Approval, approval with specific changes  
Representative: Staff

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## **Proposal**

Review and approval of the minutes from the October 5, 2017 meeting.

**CITY OF KERRVILLE, TEXAS  
PLANNING AND ZONING COMMISSION**

**October 5, 2017**

## **MEMBERS PRESENT:**

Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Rustin Zuber, Commissioner  
David Jones, Alternate (*sitting in for Cmr. Sigerman*)  
Marty Lenard, Alternate (*sitting in for Cmr. Waller*)

## **MEMBERS ABSENT:**

Bob Waller, Chairman  
Michael Sigerman, Commissioner

## **STAFF PRESENT:**

Sabine Kuenzel, Interim Executive Director of Development Services  
Danny Batts, Director of Building Services / Chief Building Official  
Kyle Burow, Director of Engineering  
Dorothy Miller, Recording Secretary

## **CALL TO ORDER:**

On October 5, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

## **1. VISITORS/CITIZENS FORUM:**

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the **SPEAKER REQUEST FORM** and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is

limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

## **2. CONSENT AGENDA:**

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the September 21, 2017 meeting.

Cmr. Barnett moved to approve the minutes as presented. Motion was seconded by Cmr. Jones and passed 5-0.

## **3. PUBLIC HEARING, CONSIDERATION & ACTION**

Cmr. Harmon recused himself due to a conflict of interest to which an affidavit was presented prior to the meeting. Cmr. Zuber accepted the duties of chairperson.

3A. **Public Hearing, Consideration, & Action, Zoning Ordinance Amendment** - Public hearing, consideration and action concerning a text amendment adding home occupation regulations, to Chapter 1, Article 11-1-19, "Home Occupation Regulations". (File No. 2017-027)

Ms. Kuenzel presented the case and asked Commissioners to render a decision.

Cmr. Zuber called the public hearing to order at 4:40 p.m. Hearing no one speak, Cmr. Zuber closed the public hearing at 4:41 p.m.

Cmr. Zuber moved to recommend city council approve the zoning ordinance amendment excluding the registration requirements. Motion was not seconded and failed.

Cmr. Jones moved to recommend city council approve the zoning ordinance amendment as presented. Motion was seconded by Cmr. Barnett and passed 3-1.

Cmr. Harmon resumed duties as chairperson.

## **4. DISCUSSION ITEMS**

4A. **Discussion Item, Ordinance Amendment** – Discussion regarding pending ordinance amendment as it pertains to Wireless Telecommunications Facilities.

This item was previously discussed at the September 21, 2017 Planning and Zoning Commission meeting. At that time Ms. Kuenzel presented an overview of the new state mandates, viewed samples of the types of facilities, reviewed the range of options, and asked for general direction for further research and discussion of regulations. At today's meeting, Ms. Kuenzel discussed design standards, limitations within residential areas, parks, and other key areas of the city.

## **5. STAFF REPORTS**

Ms. Kuenzel stated there are no staff reports at this time.

**6. ADJOURNMENT**

This meeting was adjourned at 5:20 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3A  
Action: Public Hearing, Consideration and Action  
Planning File #: 2017-053  
Representative: Molly Robb – O'Reilly Auto Parts  
Legal Description: A tract of land situated in the John C. Sheffield Survey, Abstract No. 281, City of Kerrville, Kerr County, Texas, being all of a tract of land conveyed to Robert L. Harder by Special Warranty Deed recorded in Volume 1227, Page 229, Deed Records of Kerr County, Texas, located at 1327 Junction Highway.

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## **Proposal**

A conditional use permit to allow "Retail Trade I" (New Auto Parts) use on the subject property

## **Analysis**

### **Adjacent Zoning and Land Uses**

**Current Zoning:** Guadalupe River District (GR)

**Current Land Uses:** Vacant

**Direction:** South

**Current Zoning:** GR

**Current Land Uses:** Guadalupe River

**Direction:** East

**Current Zoning:** GR

**Current Land Uses:** Pawn shop and gun store

**Direction:** West

**Current Zoning:** PD Planned Development

**Current Land Uses:** Coffee shop

**Direction:** North

**Current Zoning:** W6 West Side

**Current Land Uses:** Retail center

**Thoroughfare:** Junction Highway 27

**Parking Information:** Minimum vehicle spaces: One (1) space per 250 sq. feet (with exclusions for non-public space)

**Access:** Access will be exclusively off of Junction Highway via a 36' access drive with enough lane

width for an exclusive left-out, right-out drives as well as one entrance drive

## **Zoning Ordinance Review Criteria – Zoning Ordinance Art. 11-1-13 Section (f)(9)**

### **1. Compatibility with stated purpose of the zoning district**

The property's zoning classification primarily permits public uses with several limited (small scale) commercial uses, office, and higher density residential uses. Retail trade uses that are less than 3000 square feet (which include new auto parts uses) would be permitted without a conditional use permit.

<b>LAND USES</b>	<b>GR</b>
Agricultural – General	
Agricultural Service	
Bed and Breakfast	P
Building Construction, General	
Building Construction, Specialist	
Business Services I	C
Business Services II	C
Cocktail Lounge	C
Detention Facilities	
Dwelling , Single Family, Detached	
Manufactured Home or Manufactured Housing	
Dwelling, Multiple Family	P
Dwelling, Single Family with apartment	
Dwelling, RC District Uses (with plat)	
Education, Secondary and College	P
Education, Primary	C
Equipment Sales/Repair/Storage (Heavy)	
Fuel Sales	
Funeral Services	C
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing, Custom	C
Manufacturing and Industrial, Heavy	
Manufacturing and Industrial, Limited	
Manufactured Housing Sales	
Personal Services I	C
Personal Services II	C
Personal Services-Limited	C
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P
Retail Trade – I	C
Retail Trade – II	
Retail Trade – III	
<b>Retail Trade – Limited</b>	<b>P</b>
Tourist/Visitor & Recreation Service	P

Transportation Terminals (Bus/Aviation)	
Vehicle Maintenance and Repair	
Vehicle Sales/Service-Used	C
Vehicle Sales/Services – New	C
Warehousing & Distribution	

## **2. Compatible with surrounding uses:**

The requested conditional use permit will have little impact on the surrounding properties. The majority of the surrounding properties have comparable uses in terms of impact. The existing zoning district and proposed conditional use are consistent with the surrounding area. The area has been established as a Guadalupe River corridor. The surrounding area will be impacted minimally due to the proposed use.

## **3. Vehicle and pedestrian safety:**

The proposed conditional use will not increase traffic more than traffic already generated by existing uses, nor alter traffic patterns.

A public sidewalk will be required along the frontage of the property in compliance with City public sidewalk requirements.

The property abuts the Guadalupe River, and this area is included in the future River Trails Master Plan. A 25' wide trail easement will be dedicated for a possible future trail connection across the rear of the property prior to abandonment of a Flood Easement that still exists across the property.

## **4. Limit drainage and erosion impacts:**

The City of Kerrville Engineering Department has been involved in the review of the plans and will also review site civil drawings prior to Building Permit issuance.

## **5. Nuisance prevention:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

## **6. Preservation of significant terrain features:**

The site contains portions of land that are within the 100 year floodplain. A floodplain determination has been submitted. Engineering has confirmed that proposed work within the floodplain will meet current City regulations.

## **7. Other Considerations**

The City's Development Review Committee has reviewed a development site plan and determined that it is in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-13 Conditional Use Permits.

## **Procedural Requirements**

This public hearing date was published in the Kerrville Daily Times, the FY2018 City of Kerrville official newspaper of general circulation. Additionally, notice of this meeting was posted at city hall and on the city's internet website in accordance with Section 551.043(a) of the Texas Government Code.

**Staff Recommendation:**

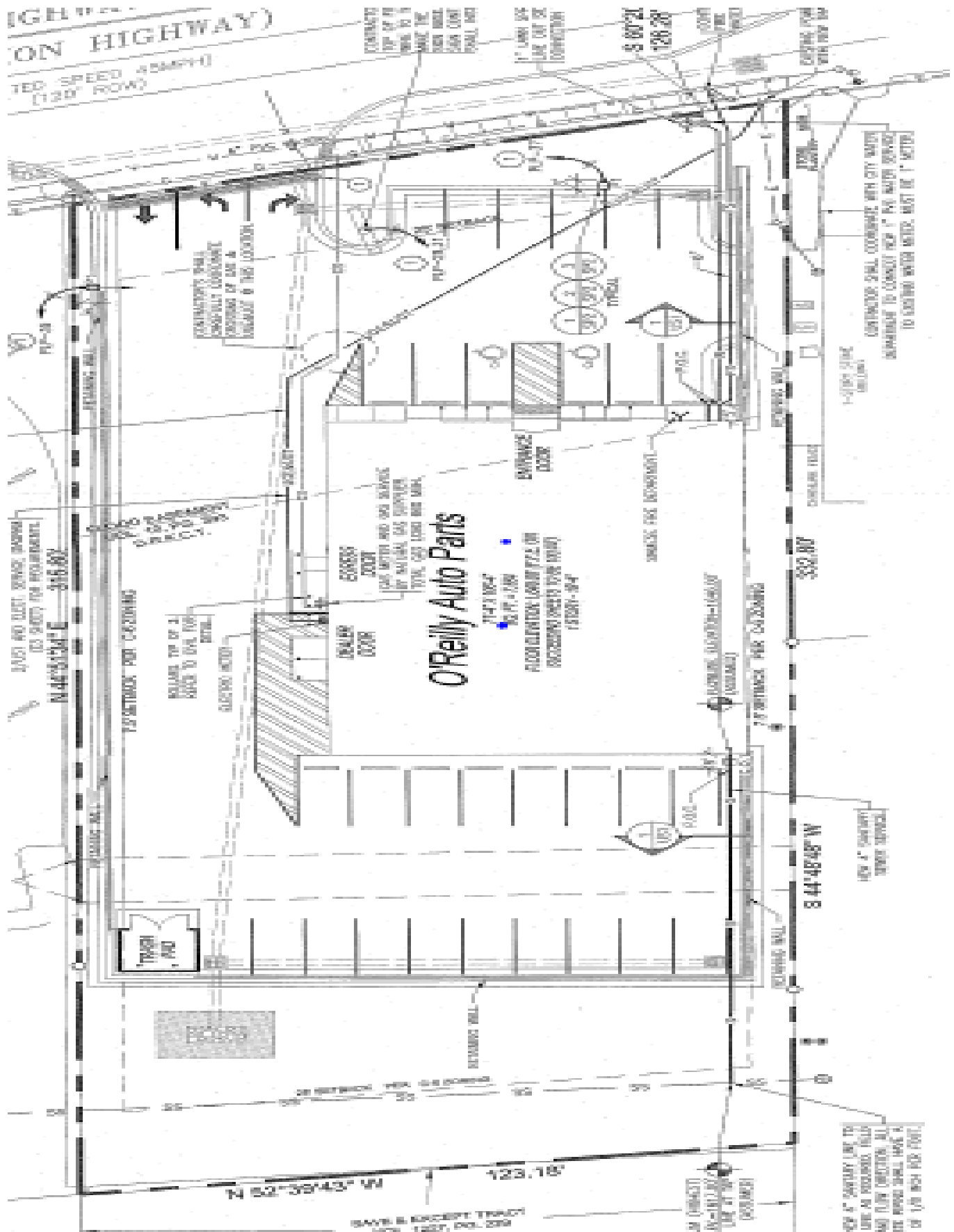
Approval

**Attachments:**

Illustration



IGHWAY)  
 (120' ROW)  
 (120' ROW)  
 (120' ROW)





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3B  
Action: Public Hearing, Consideration and Action  
Planning File #: 2017-066  
Representative: City of Kerrville

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## **Proposal**

A request for a variances to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners in accordance with Article II – Signs, Section 6-37. – Prohibited Signs, of the Code of Ordinance, City of Kerrville, Texas, located at 551 Hill Country Drive South.

## **Procedural Requirements**

This public hearing date was published in the Kerrville Daily Times, the FY2018 City of Kerrville official newspaper of general circulation. Additionally, notice of this meeting was posted at city hall and on the city's internet website in accordance with Section 551.043(a) of the Texas Government Code.

## **Proceedings**

Hold a public hearing and either approve with findings or deny.

## **Review Criteria**

The review criteria for approval include the following:

- (1) That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition or location that do not apply generally to other property in the same area and the same zoning district;**
- (2) That the exceptional circumstances or conditions are such that literal enforcement of the provisions of this Chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this Chapter;**
- (3) That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;**
- (4) That the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;**

- (5) That the variance to be granted is the minimum variance that will relieve the proven hardship;
- (6) That the variance is not being granted to relieve the applicant of conditions or circumstances:
- (a) Which are not inherent in the property itself, but are the result of the use or development of the property, or
  - Which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations, or
  - (b) Which were otherwise self-imposed by the present or a previous owner;
- (7) That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;
- (8) That the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally applicable use and development regulations set forth in this Chapter;
- (9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

In this case, there do not appear to be any arguments that align with the required findings. The applicant appears to make an argument for amending the sign ordinance. Staff has no objection at this time to proceeding with an amendment to the applicable portions of the sign regulations, and recommends the legislative remedy in lieu of this variance proceeding.

**Attachments:**

Application



# Master Application

City of Kerrville - Planning Department



## Required Information:

### 1. Applicant/Owner contact information

Name of Owner: PETERSON REGIONAL MEDICAL CENTER Email: L.WINTER@petersonrhc.com

Mailing Address: 551 HILL COUNTRY DR. Phone: 830-250-7628

Name of Applicant (if different than owner): \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

### 2. Subject Property

Project Name: PETERSON REGIONAL MEDICAL CENTER

Street address (approximate): 551 HILL COUNTRY DRIVE & 260 CULLY DRIVE

Tax/Property ID Number: 528578 & 64307

Legal description of property

Subdivision Name: PETERSON REGIONAL MEDICAL CENTER & DR. CO. JONES & R ADDITION

Block: 1 Lot: 1-R & 2

Zoning Districts: C-15 Comprehensive Plan Designation: \_\_\_\_\_

NAICS CODES 6221 & 621

### 3. Please check all that apply

Transaction Code: 840.01-6236

Attach completed checklists for all projects

☐ Annexation (2 copies / 2 petitions) No Fee

☐ Preliminary Plat (20 copies)

\$300 + \$20/lot or \$10/acre (which ever is greater)

☐ Administrative Appeal \$150

☐ Final Plat (20 copies)

\$150 + \$10/lot

☐ Preliminary Site Plan (20 copies) No Fee

☐ Preliminary Minor Plat (20 copies)

\$150 + 10/lot

☐ Final Site Plan (20 copies) No Fee

☐ Final Minor Plat (20 copies)

\$150 + 10/lot

☐ Concept Plan (20 copies) \$500

☐ Replat (20 copies)

\$150 + 10/lot

☐ Alternative Screening Request (P&Z Commission) No Fee

☐ Development Site Plan (20 copies) \$200

Note: All Plat related fees will be collected once the application is deemed complete. Once the application has been deemed complete and all fees have been paid, the Platting process will begin. (The application completeness review process may take up to a maximum of ten (10) business days).

1 of 2

For plats in the ETJ: (Payment due at the time of final plat, \$200.00 per lot)

☐ Parkland Fee (East) \_\_\_\_\_  
08-6242

☐ Parkland Fee (West) \_\_\_\_\_  
08-6243

Owner's Affidavit Required for: (Must attach to this Master Application Form)

☐ Conditional Use Permit (CUP) Request \_\_\_\_\_  
840. 01-6236 \$300

☒ Variance Request \_\_\_\_\_  
840. 01-6236 \$150

☐ Planned Development District Request \_\_\_\_\_  
840. 01-6236 \$300

☐ Zoning Change Request \_\_\_\_\_  
840. 01-6236 \$300

☐ Comp. Plan Amendment Request \_\_\_\_\_  
840. 01-6236 \$300

☐ Specific Use Permit (SUP) Request \_\_\_\_\_  
840. 01-6236 \$300

4. Please provide a basic description of the proposed request/project: \_\_\_\_\_

REQUESTING VARIANCE TO CITY OF KERRVILLE SIGN CODE,  
AS DESCRIBED IN ATTACHMENT A

5. Submit all completed applications and forms to our office located at 200 Sidney Baker Street North, Kerrville, Texas 78028 or via email [buildings@kerrvilletx.gov](mailto:buildings@kerrvilletx.gov) . If you have any questions please call (830)258-1170.

I hereby certify that I am the owner of the subject property. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the application may be denied and/or the permit or approval may be revoked.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby certify that I am the duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the application may be denied and/or the permit or approval may be revoked.

Applicant Signature (if different than owner): Petrick Murray Date: 13 SEPTEMBER 2017

2017-06



# Variance Checklist/Application

City of Kerrville - Planning Department

Required Information:

PAID  
SEP 08 2018  
City of Kerrville

1) **Submittal Checklist:**

Complete

- ☒ Master Application
- ☒ Variance Checklist/Application
- ☒ A drawing depicting the request on 8 1/2 x 11 or 11 x 17-inch paper and a digital copy.
  - Needs to be to scale
  - Indicate lot boundaries, dimensions, existing and proposed buildings, structures, fences, front, side and rear setbacks (required and proposed) and any applicable features related to the request.
  - Dimensions should be shown from property lines. (The curb or pavement line of a street is generally not the property line.)
  - Show elevations if applicable.
- ☒ Variance Application Fee (\$150) *USA has*
- ☒ Review Chapter I, "The City of Kerrville Zoning Code" Articles 11-1-22 & 11-1-23, and "The City of Kerrville Code of Ordinances Chapter 6 Advertising Section 6-44."

**AN INCOMPLETE APPLICATION SUBMITTAL WILL NOT BE PROCESSED AND RETURNED.**

2) **Check Appropriate Request**

Main Structure

- ☐ Room Addition
- ☐ Garage Addition
- ☐ New Residence

Accessory Structure

- ☐ Carport
- ☐ Storage Building
- ☐ Detached Garage

Sign

- ☐ Continue In Use
- ☐ Location
- ☐ Construct
- ☐ Place

Other

*Lightpole banners*

Affected Part(s) of the Property

- ☐ Interior Side Yard
- ☒ Exterior Side Yard
- ☐ Height
- ☒ Front Yard
- ☒ Rear Yard

Status

- ☐ Existing
- ☒ Proposed

3) **Describe the request:**

*See Attachment - A*

Are there special conditions and circumstances that exist on the property that are peculiar to the land or improvements thereto and which are not applicable to other lands or improvements in the same area. If so, explain:

*NO.*

Will the literal interpretation of the Zoning Code result in an unnecessary hardship to the owner of the property?  
How?

No

Are the special conditions and circumstances on the property self-imposed?

See Attachment A

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the application may be denied and/or the permit or approval may be revoked.

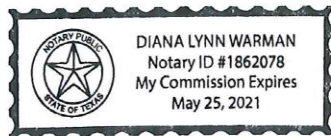
Patrick Murray  
Notarized Signature of Applicant

STATE OF TEXAS  
COUNTY OF KERR

Before me, the undersigned, personally appeared Patrick Murray.  
Who on his/her oath certifies that the above/attached statements are true and correct.

Given under my hand and seal of office, this 7th day of September, 20 17.

Diana Warman  
Notary Public, State of Texas



## Variance Checklist/Application - Attachment A

### Per item 3) - Describe the request:

We are requesting an approved variance to the City of Kerrville's Sign Code to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners which were originally installed on our private property in January 2016. These banners hung for over 10 months until we were asked to remove them by the City of Kerrville in November of 2016. The inspirational messages on the banners, spread across two campuses were specially designed for individuals parking in Peterson Health parking lots - our employees, patients, and community members. The following four inspirational messages were printed on the banners: **Improving Lives. Raising Families. Lifting Spirits. Inspiring Others.** All were securely anchored to our campus light poles and strategically spaced at Peterson Regional Medical Center and the Ambulatory Care Center. They are not designed nor intended to serve as advertisements to vehicular traffic on Hill Country Drive or Cully Drive.

### Are the special condition and circumstances on the property self-imposed?

Yes. Peterson Health operates the only private, non-profit acute care hospital in Kerr County. The banners are not intended as "commercial advertisement" for passersby. We believe a variance request is more appropriate than requesting a modification or addition to the existing Sign Code. The concept, design and placement of these messages were carefully planned to improve the aesthetics of the area (i.e. parking lot) and to reinforce elements of our "Elevating Health" brand. The messages equally inspired our employees and all who utilize our parking lots on a daily basis due to their motivational nature and attractive color palette. Much time, expense, and thought went into each message and strategic placement throughout the campus parking lots. There is a high level of public interest in the request to receive a variance and re-install them according to the original plan and we believe strongly that there is an exceptional circumstance in that the messages are motivational in nature and tie in with our mission as a regional healthcare organization.



# Peterson Regional Medical Center Map Main Campus Light Pole Key

- LIGHT POLES THAT WILL HAVE POLE BANNER
- LIGHT POLES THAT WILL NOT HAVE POLE BANNER

